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February 3, 2025

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The Honorable Victor Marrero
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: 1:24-cv-08968-VM; Plaintiff's Request for an Extension of Time Within Which to Effectuate Service on Defendant

Dear Judge Marrero,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests an extension of the time within which to effectuate service on John Doe.

On November 23, 2024, Plaintiff filed the instant case against John Doe subscriber assigned IP address 68.129.37.195 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol.

On December 23, 2024, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference ("Motion for Leave") in order to serve a third party subpoena on Defendant's ISP.

On January 2, 2025, the Court granted Plaintiff leave to serve a third-party subpoena. Plaintiff served Defendant's ISP with a third-party subpoena on or about January 7, 2025, and in accordance with the time allowances provided to both the ISP and Defendant, expects to receive the ISP response on or about March 10, 2025.

Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than February 21, 2025.

Because Plaintiff does not expect to receive the ISP response until March 10, 2025, and Defendant's identity is unknown to Plaintiff at this time, Plaintiff is unable to comply with the current deadline to effect service of process.

Plaintiff respectfully requests that the deadline to effect service be extended for sixty (60) days from March 10, 2025 (the date Plaintiff expects to receive the ISP response), and thus the deadline to effect service be extended to May 9, 2025. This extension should allow Plaintiff time to receive the ISP response, to conduct a further investigation to assist in determining whether the individual identified by the ISP is the appropriate defendant for this action, and, if a good faith basis continues to exist, to proceed against that individual (or someone else), amend the Complaint to name the Defendant and attempt to effect service of process on that individual.

For the foregoing reasons, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended to May 9, 2025.

Request GRANTED.

The Court hereby grants Plaintiff's request for an extension until May 9, 2025, to effectuate service of the summons and Amended Complaint on Defendant.

SO ORDERED.

February 5,
2025

DATE


VICTOR MARRERO, U.S.D.J.

Respectfully Submitted,

By: /s/Jacqueline M. James
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